UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,483	09/13/2000	Abraham R. Matthews	1384.006US1	2761

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EXAMINER
BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action	09/663,483	MATTHEWS ET AL.
	Examiner	Art Unit
	Benjamin R Bruckart	2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
        NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: <u>1,2 and 4-9</u>.

    Claim(s) withdrawn from consideration: <u>3 and 10-17</u>.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: <u>See Continuation Sheet</u>

Continuation of 10. Other: Applicant withdrawls claims 3, 10-17. Applicant cancels claims 18-20. With respect to claims 1-2, 4-9 applicant questions the 112, 102 and 103 rejections.

Applicant clarifies the claim 1 limitation in his arguments by describing "the operating system could be installed on each of a plurality of processor elements and still be used to distribute service." The 112, second paragraph is withdrawn in light of applicant's argument.

Applicant argues he cannot find the limitations met by Kapustka reference.

Claims 1 and 2 remain rejected under 35 U.S.C. 102(b) as being anticipated by Kapustka, K. et al., "CoSine Communications Moves VPNs 'Into the Cloud' with the Leading Managed IP Service Delivery Platform." (Applicants IDS) (Kapustka).

The Kapustka reference teaches a method of managing a switch (Page 1, para 1-2). The IPSX 9000 is a switch with Invision which is Service management System and InGage that allows users to manage the switch services.
Installing the switch having a plurality of process elements (Page 4, para 1). The mulitple risc based CPU are the plurality of processor elements.
The Kapustka reference teaches an operating system on each processor element in open systems approach. Page 4 , para 1 teaches the open platform approach and page 2, para 1 shows the open architecture. The inherent that software is installed on the processor in order to run the applications. The blades have processors and memory to power the services.

Kapustka teaches the system virtual router in page 3 paragraphs 2 and 3. The system virtual routers are on the IPSX 9000 switches and "support 10,000 virtual routers" The service provider can also customizean embedded application firewall and apply it to any virtual router.

Kapustka teaches configuring the processor elements from the system virtual router in Page 3, para 2-3 where System Provider configures the services and applies it to the virtual router. The functions are performed by the processor. Applicant does not specify what the processor element is. The processor element is open to the broadest interpretation and could be the processor blade, cpu, or hardware in conjunction with the switch. Installing, creating and configuring are inherent in the Kapustka reference because an operating system does not run if not installed and the processor elements which run the functions of the switch do not run without being configured.

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER